

Montana Arts Council



PUBLIC VALUE PARTNERSHIPS THE ARTS

Valued by Montanans
Worthy of State Investment

Increased accountability and responsiveness to the Montana legislature and U.S. Congress in validating the public value of state and federal investment of the arts.

Application Postmark Deadline: Tuesday, April 20, 2010 at 5:00 p.m.

USPS Mail: PO Box 202201, Helena, MT 59620-2201

Federal Express or Express Mail, use physical address:

830 N Warren, First Floor, Helena, MT 59601.

(Please do not use the physical address for regular USPS mail –it will not be delivered.)

Hand-Delivery Deadline to Montana Arts Council office: Tuesday, April 20, 2010 by 5:00 p.m.

830 N. Warren (just off of Helena Avenue) First Floor, Helena, MT

Large
Print



For Questions Regarding:

- The application form, financial information, electronic submissions, or TO REQUEST A LARGE-PRINT OR ALTERNATE FORMAT application, contact Kristin Han Burgoyne at 406-444-6449 or e-mail: khan@mt.gov.
- The Public Value Partnerships program or grant narrative questions, contact Cinda Holt at 406-777-0090 or e-mail: cholt@montana.com.

Public Value Partnerships Grant Program

The Montana Arts Council (MAC) is pleased to continue providing operating support grants for Montana non-profit arts organizations with paid staff under the grant program entitled **Public Value Partnerships** that was developed with the input of Montana non-profit arts organizations.

Public Value Defined

For the purposes of this partnership application, MAC defines public value as making a positive difference to the individual and collective lives of the citizens of Montana through the arts.

Public Value Partnerships Mission

Public Value Partnerships between Montana non-profit arts organizations and the Montana Arts Council champion the fact that the arts are of benefit to all the citizens of Montana and are worthy of state and federal investment.

What These Grants Fund

Public Value Partnerships provide overall operating support toward the educational mission of Montana non-profit arts organizations that have had their 501(c)(3) status for a minimum of five years and have at least one half-time paid staff member.

The program supports arts organizations with strong operations - including stable management, ongoing assessment and evaluation and high artistic quality for the communities being served. These grants also fund overall operating support for arts organizations based in tribal governments and universities. In these cases, the organizations can use either tribal government or university non-profit status.

Grant Period and Amounts

The grant period begins July 1, 2010 and runs through June 30, 2014 (four years), provided the grantee organization continues to meet eligibility requirements. All awards are dependent on meeting the established criteria and will be awarded as follows:

- ❖ Grant amounts are formula-funded based on a yet-to-be determined percentage of the average the organization's prior two years' cash expenses. (The goal percentage is 1.5%, but will be determined based on the number of requests, the total average of the prior two years' cash expenses and the final amount of funding available.)
- ❖ Minimum grants will be \$2,000 per year, maximum grants will be \$10,000 per year.

Producing Public Value Through “The Three Rs”:

Relationships, Relevance and Return on Investment

Public Value Partnerships utilize three tools we call “*The Three Rs*” to expand the public value of the work being done by Montana's non-profit arts organizations:

Building relationships.
Creating greater relevance and meaning.
Establishing return on investment.

The Montana Arts Council believes that using “*The Three Rs*” will strengthen participation, understanding and support from audiences, donors and funders. “*The Three Rs*” are the focus of the narrative questions in this application.

Relationships. Building relationships with arts audiences, funders, community and political leaders will increase audiences and support.

Relevance. **Relevance = connection = meaning.** Making more significant connections to what has value and meaning for your audience and supporters will increase participation and the public value of your organization.

Return on investment. All supporters of a nonprofit arts organization need to believe their money is a worthy investment, whether they buy tickets and make contributions or provide grant funding from

private sources or governmental agencies. The Montana Arts Council defines “return on investment” in a broad way. It could mean a straightforward financial return or a return that brings meaning to our lives, or becomes a catalyst for new ways of thinking, seeing and solving problems.

How Public Value Partnerships Work

- A four-year grant period in which the dollar amounts remain the same, provided organizations continue to meet eligibility requirements and pending funding availability from the council. Reporting is required annually to the council.
- Elimination of budget forms. Financial information will be reviewed solely from the organization’s IRS 990s. For governmental units financial information will be reviewed from financial statements comparable in form to the IRS 990. The council has an example of the form required to achieve this comparability or the governmental unit may fill out an IRS 990, whichever it prefers.
- Operating support grants that are formula-funded at a set percentage of cash expenses.
- MAC may choose to allocate additional funding to an organization that provides exceptional service to a particularly underserved region or population in the state.

The grantee will provide increased accountability and responsiveness to the Montana legislature and U.S. Congress in validating the public value of state and federal investment of the arts:

- Annually, personal invitations to local legislators to attend, participate in programming, or interact with audiences and staff of the organization.
- Annually, asking to meet with local legislators to discuss the public value of this state funding for the organization and its community. Also asking to meet with a local staff member of their U.S. Congressmen if there is an office in their community.
- Timely reporting submissions as summarized in the Annual Reporting section of this application.

Review Criteria

Applicants must:

- Offer quality artistic programs and services that are closely aligned with the mission of their organization and appropriate for the people, organizations and communities for whom they are intended. This criteria will be evaluated by support materials provided by the applicant.
- Have appropriate and sufficient governance, management and staffing to support the work of the organization. This criteria will be evaluated by support materials, by IRS form 990s and also whether or not the application directions are followed. (For example: Using proper type font size and margins in writing the grant narrative.)
- Focus on and reinforce the public value of the organization. The following criteria will be evaluated by answers to narrative questions.

- Build strong relationships with their community in order to build greater participation in the arts organization's programs and services.
- Define ways in which the organization's relevance to its community can be identified and expanded.
- Articulate and reinforce the organization's return on investment for civic and political leaders, community supporters and participants.
- Provide services to rural and underserved populations. Rural is defined as living outside the three largest cities: Billings, Great Falls, or Missoula.
- Have a current website address. A functioning, up-to-date website that underscores the professionalism of the organization and the artistic quality of its programming.
- Have current fiscal year information on the status of the organization's compliance with the Americans with Disabilities Act (ADA).

Who Can Apply

There are no exceptions to any of these requirements.

First-time applicants are required to contact Kristin Han Burgoyne at the Montana Arts Council by March 15 to determine eligibility. Call 406-444-6449 or e-mail khan@mt.gov. First-time applicants will be asked to participate in a teleconference to discuss the application process. Applicants can participate on either March 17, 2010 at 10:00 am or March 23, 2010 at 2:00 pm.

All applicants must:

- Be a Montana-incorporated, non-profit arts organization with an IRS 501(c)(3) ruling or an organization with a Certificate of Authority for a Foreign (which means non-Montana) Non-Profit Corporation issued by the Montana Secretary of State with an IRS 501(c)(3) ruling.
- OR be a tribal government arts program.
- OR be a university arts program. Only ongoing outreach programs of the university system that significantly extend services beyond the campus will be eligible for funding.

And meet ALL of the following requirements:

- ALL applicants must have been formally organized and continuously operating in Montana for a minimum of five years prior to this program's application deadline.
 - ❖ For non-profit applicants, this means they have had their 501(c)(3) federal tax exempt status since April 20, 2005.
 - ❖ For tribal and university arts programs, this means they have been an established part of the tribe and/or university for five years.
- Organizations must have at least a half-time paid artistic, managerial or education staff member.

- Organizations must provide arts programs or services on an ongoing basis throughout the year. This particular grant program does not fund organizations whose primary focus is a single event, or events held over the course of a single day or weekend, or festivals.
 - *Festival definition: An arts festival is a celebration of art and culture that can be achieved through a concentration of many activities with a single focus and provides a showcase for local, regional or national artistic talent. An arts festival revolves around a theme that is easily identified. An arts festival often has a variety of media, even if it is focused on one artistic area. An arts festival has a significant emphasis on the arts.*

Note: Organizations not meeting the criteria may apply in 2014 if they become eligible. Until then, please look into the other grant programs MAC offers, for which you may already qualify such as: The Montana Cultural and Aesthetic Trust program or Strategic Investment grants. Please check the MAC website for more information at www.art.mt.gov or contact Kristin Han Burgoyne at khan@mt.gov.

Application Procedures

Applicants are required to **EMAIL** their application form and narrative.
If available digitally, please also email forms 990 and supplemental materials to
Kristin Han Burgoyne: khan@mt.gov

And **MAIL** a complete copy of the application with original signatures as well as the narrative, IRS Forms 990 and all supplemental materials to:

**Montana Arts Council
PO Box 202201
Helena MT 59620-2201**

REMEMBER TO KEEP COPIES OF EVERYTHING YOU SEND!

It is the responsibility of the organization to have proof of delivery for all materials mailed to MAC.

**All materials must be postmarked, e-mailed, or hand-delivered by the application deadline:
Tuesday, April 20, 2010 by 5:00 p.m.
Materials sent after this date will NOT be accepted.**

Review Procedure for Public Value Partnerships Grant Applications

Applications will be reviewed in June 2010 by a four- to six-member panel. This panel will make recommendations to the full body of the Montana Arts Council, who makes all final grant funding decisions.

Checklist: What to Send

- ☐ A copy of this completed checklist
- ☐ First-time applicants are required to contact Kristin Han Burgoyne by March 15 before applying
- ☐ Completed application form (must be submitted by email AND hard-copy with signatures)
- ☐ DUNS number included on the application page. (For more information regarding this financial history number, call 1-866-705-5711 or visit www.grants.gov/RequestaDUNS)
- ☐ Completed narrative question pages formatted so that margins are no less than one inch with a type font no smaller than 12 point. (must be submitted by email AND hard-copy)
- ☐ A brief organizational history (must be submitted by email AND hard-copy)
- ☐ One copy of a current list of board of directors with names, addresses, phone numbers and e-mail addresses (must be submitted by email AND hard-copy)
- ☐ New applicant organizations must submit one copy of the 501(c)(3) ruling issued by the IRS. If not incorporated in Montana, they must also provide a Certificate of Authority for a Foreign (which means non-Montana) Non-Profit Corporation issued by the Montana Secretary of State. (submit hard-copy unless available electronically)
- ☐ IRS Forms 990s for most recent 3 fiscal years. The only exception to this requirement is for governmental units, who are required to submit financial statements specific to their program for the most recent 3 fiscal years as outlined in the application guidelines. (submit hard-copy unless available electronically)
- ☐ For organizations that have received over \$500,000 in federal funding during any of the last three fiscal years, a financial audit is also required for that applicable year. (submit hard-copy unless available electronically)
- ☐ One copy of your most recent season brochure or annual report or what you consider to be the printed piece that is most inclusive about your most recent year. This piece should document your year-round educational programming. (submit hard-copy unless available electronically)
- ☐ Two photographs of your organization's activities in progress (in other words, we don't want resumé shots of artists) **with accompanying photo credits and permission to reprint.** We would appreciate receiving these photos **both in hard copy and digital versions**, if possible. It would be very helpful if we could have one photo of the audience enjoying the performance, viewing the exhibit, having fun at intermission or at a reception. The other photo we'd like is of an exterior of your facility if you have one. It'd be great if there were people lining up for tickets -- or activity outside the entrance so it looks like an active, fun place. If you don't own your own facility, then we'd love a photo of a performance or an exhibit. The reason we're asking for these types of photos is that we learned from "The Montana Study" that one of the top reasons that people attend or would attend the arts would be to share the experience with family and friends. So we want to demonstrate that happening (and we know you do too.) We will use these photos as part of the promotion of the arts campaigns that we do at the arts

council. They may be used in DVDs, legislative hearings, presentations to tourism officials, educators, service clubs and the like.

Writing the Narrative

Please answer each of the following questions **briefly** (bulleted lists are ok) using no more than three typewritten pages. Use a type font no smaller than 12 pt. (preferably Times New Roman or Courier) with margins of no less than one inch. **No exceptions.**

**Public Value Partnerships:
Relationships, Relevance, and Return on Investment produce Public Value.**

1. Please summarize what you did last year to build relationships with individual supporters, community leaders and your audience? How successful was it?
2. What efforts did you make this most recent year to create greater connection with and more relevance between your organization's programs and your participants?
3. Legislators and the Governor want to know the return on investment for state funding of the arts. In other words, what benefit does your organization provide that is of value to the citizens of Montana and therefore worthy of state investment? (*The Montana Arts Council defines "return on investment" in a broad way. It could mean a straightforward financial return or a return that brings meaning to our lives, or becomes a catalyst for new ways of thinking, seeing and solving problems.*)

Please share with us a story that your organization experienced in the past year that would help us convey this message. Please don't recite a list of facts here, but tell us a real story. For an idea of what kind of story is most compelling, see the attached document or visit MAC's website at http://art.mt.gov/resources/resources_advocacy.asp Please spend time on this answer, as it will be of critical importance.

4. Briefly describe how you serve rural and underserved populations in your area.
5. Regarding ADA (Americans with Disabilities Act) and accessibility:
 - a. What accessibility symbols are on your printed materials, newspaper ads and website?
 - b. Do you make large-type printed materials available at every event so people don't have to request them specifically?
 - c. Does your website have a clearly indicated contact for accessibility questions?
 - d. Do you identify wheelchair and companion seating in your printed materials?
 - e. Please mark which accessibility symbols you use. (See next page.)
 - f. If you are not doing the above items, please tell us exactly when you intend to implement them.

We understand we are to be in compliance with ADA regulations or risk grant elimination from the Montana Arts Council. We also understand that the council provides resources to meet this requirement on request. Please sign.

Annual Reporting Requirements

Annual Reports are due by September 15th of each year.

The Montana Arts Council will mail these forms with the contracts.

(Forms are also available on our website: www.art.mt.gov.)

Report forms ask for statistical NEA reporting requirement data about audiences, artists participating, and young people reached. MAC also requires information about the organization's continued eligibility in the grant program, such as maintaining a half-time staff person and having an active 501(c)(3) status.

Annual Reports Require the Following:

- IRS Form 990 for the most recently completed fiscal year. The match for this grant will be met by the full amount of the cash expenditures indicated on the organization's IRS Form 990. For governmental units financial information will be reviewed from financial statements comparable in form to the IRS 990. The council has an example of the form required to achieve this comparability or the governmental unit may fill out an IRS 990, whichever it prefers.
- A summary describing the meetings with local legislators, and if applicable, with U.S. Congressional staff in local district offices.
- Details of the efforts made to offer opportunities for legislators to attend, participate and/or interact with the organization's activities and the results of those efforts.
- A brief summary describing the ways in which the organization is striving to make its programming more meaningful and relevant to its public.
- A description of steps the organization has taken within the last year to further its compliance with the Americans with Disabilities Act.
- Two photographs of your organization's activities in progress (in other words, we don't want resumé shots of artists) with accompanying photo credits and permission to reprint.
We would appreciate receiving these photos both in hard copy and digital versions, if possible.

Grant Funds Will Only Be Released:

- All other grant reporting must be complete and current.
- Upon receipt of a **signed contract**.
- When the **completed annual report** for the previous year is received.
(Due September 15th of each year)
- **No earlier than October 1** of each fiscal year.

Important Annual Report Timeline Information

MAC's fiscal year is July 1-June 30. This is also the grant period of your Public Value Partnership grant. Annual reporting is due September 15 of each year.

- An e-mail will be sent June 1 reminding all grantees that annual reports are due by September 15. Web address information (for online forms) will also be provided at that time. Paper forms may be requested at this time.
- **Annual reports not received by September 30 are delinquent.** The only exception to this requirement is for grantees that have submitted a written request for an extension prior to September 15 stating the extenuating circumstances which hinder a timely submission of annual reports, and who have subsequently received a written extension from the council. The same procedures, listed below, will be applied to grantees that are delinquent following the end of an extended deadline.
- A written reminder, return receipt requested, will be sent September 30 to delinquent grantees reminding them that their reports are delinquent and future funding from the agency may be at risk.
- On October 30 a letter (return receipt requested) will be sent to the board presidents of delinquent grantees letting them know that annual reports were due on September 15 and have not been received.
- On November 30 written notification of delinquent grantees will be given to the Montana Arts Council Executive Committee.

If annual reports are not received by the Montana Arts Council by November 30 following the due date, THE REMAINDER OF THE PUBLIC VALUE PARTNERSHIP GRANT MONIES WILL REVERT and other funding from the agency may also be at risk.

It is the responsibility of the grantee to have proof of delivery of annual reports to MAC.

If you have any questions about these terms or procedures, please contact Kristin Han Burgoyne at 406-444-6449 or e-mail khan@mt.gov

Publicity

The grantee agrees to include the following credit line, **in a minimum of 12-point type**, in all publicity, advertising and printed programs, posters, catalogs and title panels for visual arts exhibits:

“Supported in part by a grant from the Montana Arts Council, an agency of state government, through funding by the state of Montana and the National Endowment for the Arts.”

Logos for the Montana Arts Council and the National Endowment for the Arts must be used and will be provided with the contract. For digital versions, go to www.art.mt.gov/orgs/orgs_value.asp. When no printed material is produced, verbal credit must be given.

Sources of Funding

Funds for this program come from the Montana Arts Council, an agency of state government, through funding by the state of Montana and the National Endowment for the Arts.

Federal & State Assurances

Please read these Terms and Conditions carefully.

Applicant organizations must adhere to federal and state fair labor standards, civil rights statutes, Americans with Disabilities Act (ADA) accessibility regulations, age discrimination statutes, regulations regarding lobbying with appropriated monies, and accounting record requirements.

Uniform Administrative Requirements

Nonprofit organizations and colleges and universities are subject to the provisions of OMB Circular A-110 ("Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations"), as amended. Units of state and local governments and Federally-recognized Indian Tribal governments are subject to the administrative requirements codified by the Arts Endowment at "45 Code of Federal Regulations (CFR) Part 1157 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" ("Common Rule"). Both are available through a link on our Web site.

The "Uniform Administrative Requirements" establish administrative standards to ensure consistency among recipients of Federal awards. These include financial and program management, property and procurement standards, cost sharing or matching, and reporting and record retention. These requirements, as applicable, are hereby incorporated into this award.

Cost Principles

The allowability of costs for work performed under an Arts Endowment award shall be determined in accordance with the applicable Federal cost principles and the terms and conditions of the award. The following OMB Circulars set forth the Federal cost principles that, in general, apply to our recipients. They are available through a link on our Web site. These cost principles, as applicable, are hereby incorporated into this award:

- a. **OMB Circular A-122 (2 CFR 230), "Cost Principles for Nonprofit Organizations,"** as amended: nonprofit organizations, exclusive of institutions of higher education;
- b. **OMB Circular A-21 (2 CFR 220), "Cost Principles for Educational Institutions,"** as amended: public and private institutions of higher education;
- c. **OMB Circular A-87 (2 CFR 225), "Cost Principles for State and Local Governments,"** as amended: state, local and Federally recognized Indian tribal governments; and
- d. **Federal Acquisition Regulation (FAR) at 48 CFR Part 31** for commercial organizations, individuals, and those nonprofit organizations listed in Attachment C to OMB Circular A-122. The FAR is available online at www.arnet.gov/far.

National Policy & other Legal Requirements, Statutes, & Regulations that Govern Your Award Nondiscrimination Policies

You must execute projects, productions, workshops and programs in accordance with the following laws, where applicable. Copies of these regulations are available through links on our Web site and from our Office of Civil Rights, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506-0001. Telephone 202/682-5454; FAX 202/682-5553.

a. Title VI of the Civil Rights Act of 1964, as amended, provides that no person in the United States shall, *on the grounds of race, color, or national origin*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with limited English proficiency. (42 U.S.C. 2000d et seq.)

b. Title IX of the Education Amendments of 1972 provides that no person in the United States shall, *on the basis of sex or blindness*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance. (20 U.S.C. 1681 and 1684 et seq.)

c. Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States, shall, *solely by reason of his/her disability*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (29 U.S.C. 794)

Section 504 - Self-Evaluation and Additional Resources.

A Section 504 self-evaluation must be on file at your organization. For each award, review the evaluation to ensure that it is still accurate, that your organization is still in compliance, and that the activity supported by the Arts Endowment will be in compliance. The lack of a Section 504 Self-Evaluation is one of the most common findings referenced by our Inspector General when conducting an audit or review. We have developed a *504 Self Evaluation Workbook* (which covers programs, activities and facilities) that you may use to determine if you are in compliance with 504 requirements. If you have not previously conducted this self-evaluation or wish to update the results of previously conducted evaluations, you may obtain the *Workbook* on our Web site:

www.nea.gov/about/504Workbook.html. Or you may request a hard copy, free of charge, from the Arts Endowment's Office of Civil Rights. Telephone 202/682-5454; FAX 202/682-5553; Voice/Text-Telephone (TTY) 202/682-5695.

Design for Accessibility: A Cultural Administrator's Handbook provides guidance on making access an integral part of an organization's staffing, mission, budget, and programs. Contact your State Arts Agency for a free copy of the book or you may purchase copies from the National Assembly of State Arts Agencies, 202/347-6352 or www.nasaa-arts.org. National Endowment for the Arts (www.arts.gov) 21 General Terms 11/18/09 The Handbook and other resources may also be downloaded from the Arts Endowment's Web site at www.arts.gov/resources/Accessibility. If you have questions, contact the Office of AccessAbility at 202/682-5733; FAX 202/682-5715, TTY 202/682-5496.

d. The Age Discrimination Act of 1975 provides that no person in the United States shall, *on the basis of age*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 6101 et seq.)

e. The Americans with Disabilities Act of 1990 ("ADA") prohibits discrimination *on the basis of disability* in employment (Title I), state and local government services (Title II), places of public accommodation and commercial facilities (Title III). (42 U.S.C. 12101-12213)

Environmental Policies

a. The National Environmental Policy Act of 1969 applies to any Federal funds that would support an activity that may have environmental implications. We may ask you to respond to specific questions in accordance with the Act. We will then determine whether to undertake an environmental assessment or issue a "finding of no significant impact," which requires no additional action by you or the Arts Endowment. (42 U.S.C. Section 4332)

Other National Policies

a. Debarment and Suspension. You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR part 180, as adopted by the Arts Endowment in Title 2 CFR, Chapter 32, Part 3254.

There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds--for instance:

Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, making false statements;

Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility; and/or

Any other cause of so serious or compelling a nature that it affects an organization's present responsibility.

In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate

our suspension actions with other Federal agencies that have an interest in our findings. A suspension may result in your debarment from receiving Federal funding government-wide for up to three years.

b. The Drug-Free Workplace Act requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.

You must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, state and zip code.) You must notify the Arts Endowment's Grants & Contracts Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. (41 U.S.C. 701 et seq. and 45 CFR Part 1154)

c. Lobbying

You may not conduct political lobbying, as defined in the statutes, regulations and OMB Circulars listed below, within your Federally-supported project. In addition, you may not use Federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:

(1) "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities."

(2) **OMB Circular A-122 – "Lobbying" Revision** clarifies that lobbying is an unallowable project cost. The Circular generally defines lobbying as conduct intended to influence the outcome of elections or to influence elected officials regarding pending legislation, either directly or through specific lobbying appeals to the public. You should review carefully both this Circular and Circular A-110.

(3) **Certification Regarding Lobbying to Obtain Awards.** Section 319 of Public Law 101-121, codified at 31 U.S.C. Sec. 1352 prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. While non-Federal funds may be used for such activities, they not be included in your project budget, and their use must be disclosed to the awarding Federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

We strongly advise you to review these regulations carefully. They are published at 45 CFR Part 1158, and can be found at <http://www.gpoaccess.gov/nara/>.

d. The Native American Graves Protection and Repatriation Act of 1990 applies to any organization that controls or possesses Native American human remains and associated funerary objects and receives Federal funding, even for a purpose unrelated to the Act. (25 U.S.C. 3001 et seq.)

e. The National Historic Preservation Act of 1966 applies to any Federal funds that would support either the planning or major renovation of any structure eligible for or on the National Register of Historic Places, in accordance with Section 106. This law also applies to project activities, such as new construction, that would affect such properties. We will consult with your State Historic Preservation Officer, as appropriate, to determine the impact of your plan or renovation on the structure or any

affected properties. Any change in your design, renovation, or construction plans must be submitted to us for review and approval *prior* to undertaking any of the proposed changes. You may be requested to provide additional information on your project to ensure compliance with the Act. (16 U.S.C. 470)

f. U.S. Constitution education program. Starting in FY 2005, educational institutions (includes but is not limited to "local educational agencies" and "institutions of higher education") receiving Federal funds from any agency are required to provide an educational program on the U.S. Constitution on September 17 [PL 108-447, Division J, Section 111(b)]. For more information on how to implement this requirement and suggested resources, see <http://www.ed.gov/legislation/FedRegister/other/2005-2/052405b.html>.

g. Arts Endowment enabling legislation. You are also required to execute projects, productions, workshops and programs in accordance with the Arts Endowment's enabling legislation that requires "artistic excellence and artistic merit" to be included in the criteria upon which awards are made.

h. Prohibition on use of funds. None of the federal or matching funds expended for your FY 10 award (award number starts 10-) may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries. (P.L. 111-88 Sec. 427).

Subgranting

Per our legislation, only State Arts Agencies, Regional Arts Organizations, and designated Local Arts Agencies are eligible to subgrant Arts Endowment funds.

A subgrant is an award made by a grantee or cooperator using award and/or matching funds (i.e., an award resulting from Arts Endowment support, but not one made directly by us). A subgrant exists when funds are regranted to an individual or an organization for activities conducted independently of the direct award recipient and for the benefit of the subgrantee's program objectives. A subgrant recipient is neither directly employed by nor affiliated with the direct award recipient. Please be aware that a subgrant relationship could exist even if you call the agreement a contract.

General Subgranting Requirements

a. Artistic Excellence and Artistic Merit. In accordance with the Arts Endowment's enabling legislation, you must include "artistic excellence and artistic merit" in the review criteria used to make the subgrant awards. (20 U.S.C. Sec. 951 et seq.)

b. Subgranting to Eligible Organizations, Units of State and/or Local Government. 501(c)3 nonprofit organizations, units of state or local government, institutions of higher education, or Federally-recognized Indian tribal governments are eligible to receive funds subgranted through an Arts Endowment award.

(1) The Federal laws, rules, regulations and OMB Circulars that apply to Arts Endowment organizational award recipients generally also apply to such organizations when they receive a subgrant through an Arts Endowment-supported award. Thus, you should inform subgrantees that they are receiving Federal funds from the National Endowment for the Arts, and that they must comply with these mandates. Provide them with the Federal award number and CFDA number. You should also inform your subgrantees that there may be no overlapping project costs between two or more Federal awards.

(2) **Additional Requirements for Subgranting to Organizations and Individuals.** Your subgrant agreements must include a requirement that the subgrantee:

- (a) provides you with final reports and any other information or reports necessary for you to fulfill all applicable Federal reporting requirements;
- (b) adheres to the prohibition against lobbying within a Federally-supported grant or cooperative agreement;
- (c) uses U.S. air carriers for foreign travel; and
- (d) maintains records pertinent to the award for three years following submission of the final report.

c. Progress reports. State Arts Agencies (SAAs) should require a progress report from their subgrantees, with discretion to determine when these reports must be submitted.

d. **Time extensions.** You should request a period of support time extension (not a final report due date extension) from the Arts Endowment whenever a subgrantee's project cannot be completed within your award period. See Item 6.

e. **Subgrantee records.** You must keep subgrantees' report submissions on file for three years from the date you submit your Federal Financial Report to the Arts Endowment.

Per state law MCA 2-3-203. Meetings of public agencies and certain associations of public agencies to be open to the public. All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds must be open to the public. This means all organizations funded by state monies at any level must open their meetings to the public. For complete details, please refer to the law above located on the web at:
<http://data.opi.mt.gov/bills/mca/2/3/2-3-203.htm>.

The 2003 Legislature made a change in this law that now requires every board covered by the open meeting act also to have a public comment session that allows individuals to comment on matters that are within the jurisdiction of the agency conducting the meeting, even if they are not on the agenda of the meeting. If something is on the agenda, then the person shall be required to wait until it comes up and not speak during the general public comment period. The applicant will comply with all State of Montana laws including the open meeting law.

Montana Arts Council Mission Statement

The Montana Arts Council is the agency of state government established to develop the creative potential of all Montanans, advance education, spur economic vibrancy and revitalize communities through involvement in the arts.

Montana Arts Council Vision Statement

Montana will be known far and wide as "The Land of Creativity," where the arts are essential to the creativity, imagination and entrepreneurship that make Big Sky Country the very best place on earth to live, learn, work and play.

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Montana Arts Council Members

As of Feb 3, 2010

Jackie Parsons, Browning, Chairman
Cynthia Andrus, Bozeman
Corky Clairmont, Ronan
Mark Kuipers, Missoula
Tracy Linder, Molt
Rick Newby, Helena
Ellen Ornitz, Manhattan

Arlene Parisot, Helena
Rob Quist, Kalispell
Kevin Red Star, Roberts
Kathleen M. Schlepp, Miles City
Youpa Stein, Missoula
Judy Ulrich, Dillon
Jane Waggoner Deschner, Billings
Wilbur Wood, Roundup